

922 KAR 1:550. Operator's license for children in the custody of the cabinet.

RELATES TO: KRS 186.450, 186.470, 186.480, 186.590, 199.011(3), (4), (15), 600.020(2), (52), 605.102, 42 U.S.C. 672, 675, 677

STATUTORY AUTHORITY: KRS 194A.050(1), 605.102(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 605.102 authorizes the cabinet to promulgate an administrative regulation to implement a process utilizing the reasonable and prudent parent standard, in conjunction with the child's caregiver, to: (1) verify that a child in the custody of the cabinet is age or developmentally appropriate to apply for an operator's license, motorcycle operator's license, intermediate license, or instruction permit, and (2) request cancellation of a child's operator's permit or license. This administrative regulation establishes the process for a child in the custody of the cabinet to apply for and obtain an operator's permit or license, cancellation of an operator's permit or license of a child in the custody of the cabinet, and service complaints.

Section 1. Definitions. (1) "Age or developmentally appropriate" is defined by KRS 600.020(2).

(2) "Cabinet" is defined by KRS 199.011(3) and 600.020(7).

(3) "Caregiver" is defined by KRS 605.102(1).

(4) "Child" is defined by KRS 199.011(4) and 600.020(9).

(5) "Reasonable and prudent parent standard" is defined by 199.011(15) and 600.020(52).

Section 2. Eligibility determination and application. (1) The cabinet and the child's caregiver shall use the reasonable and prudent parent standard to verify a child's readiness to obtain an operator's license, motorcycle operator's license, intermediate license, or instruction permit.

(2) The cabinet shall form a team to include:

(a) The child;

(b) The child's caregiver or caregiver representative, including the child's foster parent if applicable; and

(c) Another person involved with the child who shall assist the cabinet in verifying whether the child is age or developmentally appropriate to obtain an operator's license, motorcycle operator's license, intermediate license, or instruction permit.

(3) The child's team shall discuss the following to ascertain the child's readiness to obtain his or her instruction permit or operator's license:

(a) The child's understanding of the requirements to obtain an instruction permit or operator's license;

(b) The child's roles and responsibilities in meeting the operator's permit or license requirements;

(c) Liability and financial responsibilities;

(d) Ongoing academic requirements;

(e) Age and developmental level in accordance with KRS 605.102;

(f) Placement history and current placement stability;

(g) Previous driving history when applicable; and

(h) Child's history of public charges.

(4) The child shall authorize the cabinet to request and inspect the child's driving record.

(5) If a child's team verifies that a child possesses the requisite skills and understanding of the responsibilities associated with obtaining an operator's permit or license and operating a motor vehicle or motorcycle, the child's team shall allow the child to proceed with the permit or license application process.

(6) Prior to a child proceeding to the circuit clerk's office to obtain his or her instruction permit, cabinet staff shall provide verification to the child on cabinet letterhead that the child is in foster care.

(7) Any person who signs an operator's permit or license application for a child shall be responsible in accordance with KRS 186.470 or 186.590.

(8) A child's team shall develop a plan to assist a child in obtaining an operator's permit or license in the future if:

(a) The team verifies that the child is not ready to apply; and

(b) The barrier to obtaining an operator's permit or license is within the ability of the child to correct.

Section 3. Insurance. (1) A child in the custody of the cabinet shall:

(a) Be added to his or her caregiver's insurance policy; or

(b) Apply to obtain an insurance policy with the assistance of the cabinet to the extent that resources are available.

(2) To the extent that funds are available, the cabinet shall:

(a) Fund, in whole or part, an insurance policy for a child; or

(b) Reimburse, in whole or part, a caregiver who has added a foster child to a vehicular insurance policy for the foster child's portion of the premium.

(3) Any person who permits a minor under the age of eighteen (18) to drive his or her vehicle shall comply with KRS 186.590.

(4) A child in the custody of the cabinet shall follow all procedures required by the insurance company during the application process.

Section 4. Cancellation. (1) Cancellation of an operator's license, motorcycle operator's license, intermediate license, or instruction permit for a child in the custody of the cabinet shall be made in accordance with KRS 186.470 and 605.102.

(2) A person who files the verified written request for cancellation of a child's operator's license, motorcycle operator's license, intermediate license, or instruction permit shall provide notice to the child's cabinet worker or the local office of the Department for Community Based Services charged with the child's case management in accordance with KRS 186.470.

Section 5. Service Complaint. A foster child may file a service complaint in accordance with 922 KAR 1:320.(44 Ky.R. 482, 1086; eff. 1-5-2018.)